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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Interconnection and Resale Obligations)
Pertaining to Commercial Mobile Radio)
Services)

CC Docket No. 94-54

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REPLY COMMENTS OF
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA") respectfully submits this reply to the opening comments filed in response to the *Second Report and Order and Third Notice of Proposed Rulemaking* in the above captioned proceeding.¹

As discussed in detail below, the opening comments support PCIA's suggestion that the optimum approach for effective regulation of automatic roaming among commercial mobile radio service ("CMRS") providers is for the Commission to monitor the development of automatic roaming in the CMRS marketplace and, if it at any time appears that regulatory intervention is needed to ensure that new CMRS entrants are able to secure nondiscriminatory roaming arrangements, promptly initiate corrective action. PCIA submits that this strategy will serve the public interest by avoiding the imposition of costly and potentially unnecessary regulatory requirements while ensuring that automatic roaming capability is made available to emerging CMRS carriers on reasonable and nondiscriminatory rates, terms, and conditions.

¹ Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, FCC 96-284, (Aug. 13, 1996) [hereinafter *Second Report and Order and Third Notice*].

I. Background

In the *Third Notice* portion of CC Docket No. 94-54, the Commission asked commenters to discuss whether the public interest would be served by the adoption of rules governing the provision of automatic roaming between CMRS operators.² In response to the Commission's request for comment, PCIA suggested that, although it believes emerging CMRS providers must be able to offer automatic roaming to compete effectively with cellular carriers, it is still too early in the development of new PCS networks for a reliable assessment of whether an automatic roaming rule is needed to ensure that new CMRS competitors are able to secure automatic roaming capabilities on a reasonable and nondiscriminatory basis.

In view of the inconclusive state of the record, PCIA recommended that the Commission allow PCS systems additional time to develop and monitor the progress of their attempts to negotiate automatic roaming arrangements before deciding whether regulatory action is needed to facilitate automatic CMRS roaming. PCIA suggested that the Commission promptly initiate corrective action if at any time the record demonstrates that an automatic roaming rule is necessary.³

² *Id.* ¶ 17.

³ Comments of the Personal Communications Industry Association, CC Docket No. 94-54, at 6-9 (filed Oct. 4, 1996).

II. The Record Supports PCIA's Recommendation that the Commission Monitor the Development of Automatic Roaming in the CMRS Industry Before Deciding Whether Rules Governing the Provision of Automatic Roaming Between CMRS Providers are Necessary and in the Public Interest.

The record contains strong support for PCIA's suggested approach. In particular, although a number of commenters agree that roaming is critical to the competitive viability of new CMRS entrants and that the ability to offer automatic roaming is preferable to manual roaming capability alone,⁴ the vast majority also agree that market forces -- as opposed to regulatory intervention -- should govern the development wireless services generally, including automatic roaming among CMRS operators.⁵

⁴ See, e.g., Comments of the Alliance of Independent Wireless Operators, CC Docket No. 94-54, at 4, 10-11 (filed Oct. 4, 1996); Comments of Integrated Communications Group, CC Docket No. 94-54, at 1 (filed Oct. 4, 1996); Comments of the Personal Communications Industry Association, CC Docket No. 94-54, at 4-6 (filed Oct. 4, 1996); Comments of Western Wireless Corporation, CC Docket No. 94-54, at 9-12 (filed Oct. 4, 1996).

⁵ See, e.g., Comments of AT&T Wireless Services, Inc., CC Docket No. 94-54, at 1, 3-4 (filed Oct. 4, 1996); Comments of BellSouth Corporation, CC Docket No. 94-54, at 2-3 (filed Oct. 4, 1996); Comments of the Cellular Telecommunications Industry Association, CC Docket No. 94-54, at 10-12 (filed Oct. 4, 1996); Comments of Century Cellnet, Inc., CC Docket No. 94-54, at 2, 3-4 (filed Oct. 4, 1996); Comments of GTE MobileNet, CC Docket No. 94-54, at 3-4 (filed Oct. 4, 1996); Comments of The Personal Communications Industry Association, CC Docket No. 94-54, at 1, 8 (filed Oct. 4, 1996); Comments of PrimeCo Personal Communications, L.P., CC Docket No. 94-54, at 17-18 (filed Oct. 4, 1996); Comments of the Rural Cellular Association, CC Docket No. 94-54, at 5-6 (filed Oct. 4, 1996); Comments of the Rural Telecommunications Group, CC Docket No. 94-54, at 3 (filed Oct. 4, 1996); Comments of Sprint Spectrum, L.P., d/b/a Sprint PCS, CC Docket No. 94-54, at 5 (filed Oct. 4, 1996); Comments of Southwestern Bell Mobile Systems, Inc., CC Docket No. 94-54, at 3 (filed Oct. 4, 1996); Comments of 360° Communications, CC Docket No. 94-54, at 2, 4 (filed Oct. 4, 1996); Comments of Vanguard Cellular Systems, Inc., CC Docket No. 94-54, at 3 (filed Oct. 4, 1996).

Significantly, several commenters agree with PCIA's view that new CMRS competitors, such as broadband PCS, have been in operation too briefly to permit an informed assessment of whether market forces will suffice to ensure that these operators are able to secure automatic roaming capability from more established providers on a reasonable and nondiscriminatory basis.⁶ In its comments, PCIA also expressed concern that the premature state of the record prevents a reliable evaluation of the costs and burdens associated with the adoption of an automatic roaming rule. A number of commenters share PCIA's recommendation that, in these circumstances, the best approach is to allow the CMRS marketplace additional time to develop and to monitor the progress of automatic roaming arrangements before deciding whether further regulation is appropriate.⁷ PCIA submits that this strategy will best address the commenters' competing concerns by avoiding the imposition of potentially unnecessary and burdensome regulatory requirements while at the same time ensuring that the competitive viability of new CMRS operators is not harmed by the denial of their requests for reasonable, nondiscriminatory automatic roaming agreements.

⁶ See Comments of Sprint Spectrum, L.P., d/b/a Sprint PCS, CC Docket No. 94-54, at 3 (filed Oct. 4, 1996); Comments of the Rural Telecommunications Group, CC Docket No. 94-54, at 3-4 (filed Oct. 4, 1996).

⁷ See Comments of Sprint Spectrum, L.P., d/b/a Sprint PCS, CC Docket No. 94-54, at 7 (filed Oct. 4, 1996); Comments of Vanguard Cellular Systems, Inc., CC Docket No. 94-54, at 6 (filed Oct. 4, 1996). See also Comments of the Rural Telecommunications Group, CC Docket No. 94-54, at 3-4 (filed Oct. 4, 1996); Comments of the Rural Cellular Association, CC Docket No. 94-54, at 5 (filed Oct 4, 1996).

III. Conclusion

For the reasons set forth above, PCIA reiterates its request that the Commission monitor the development of the CMRS marketplace before deciding whether affirmative regulatory requirements governing automatic roaming agreements are needed. At present, the record simply does not permit an informed and reliable determination of whether adoption of an automatic roaming rule is necessary or in the public interest.

Respectfully submitted,

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Dated: November 22, 1996

CERTIFICATE OF SERVICE

I, Robin Walker, hereby certify that on this 22nd day of November, 1996, I caused a true copy of the foregoing "Reply Comments of the Personal Communications Industry Association" to be delivered to the following persons via hand delivery:

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